

REMARKS

I. Status of the Claims. Upon entry of this Amendment, claims 1, 6-26, and 28-32 are pending. Claims 9-24 have been withdrawn from consideration by the Examiner as being directed to non-elected subject matter.

Claims 1, 6-8, 26, and 28-30 have been amended correct editorial inconsistencies, by amending the terms “step b”, “step c”, “step (c)”, and “step (d)” to the respective terms “step b)”, “step c)” and “step d)”, as appropriate. Claim 26 has been further amended to delete the phrase “as-associated with a biological function intended to be modulated” from the preamble of the claim and to add the self reflexive phrase “thereby identifying said compound that is an allosteric modulator of an intermolecular interaction at said functionally critical site between said target protein and said modifier” at the end of the claim. The amendments to claims 1, 6-8, 26 and 28-30 are not believed to change the respective scopes of the claims. Accordingly, by this Amendment, no new matter has been added to the application.

Claim 32 has been added. Support is found in the specification at, c.g., page 6, lines 29-30 (“target protein” includes TNF receptors) and page 7, lines 15-16 (“modifier” includes TNF- α).

By this Amendment, no new matter has been added to the application.

II. Response to Objections and Rejections.

(i) Claim objections. The Examiner has objected to claims 1, 26, 27, 28, 29, and 30 for the informalities such as the recitation in claim 1, step c) of the phrase “properties obtained in step b.” The Examiner advises that the claim should read “properties obtained in step b).” In response, claim 27 has been cancelled without prejudice or disclaimer and claims 1, 26, 28, 29 and 30 have been amended to recited “step b)”, “step c)”, or “step d)”, as appropriate. Claims 6-8 have also been amended to correct the same informality. The present objection is believed to have been addressed and overcome. Withdrawal of the rejection is requested.

(ii) Rejections Under 37 C.F.R. §112, second paragraph. Claims 26 and 27 have been rejected for alleged indefiniteness. In response, without conceding the validity of the rejection, claim 26 has been amended and claim 27 has been cancelled. The Examiner first asserted that claim 26 was indefinite because it was not clear that the phrase “intended to be modified [sic: modulated]” that appears in the preamble is an active method step. The amendment to claim 26 deletes the phrase “associated with a biological function intended to be modulated.” Thus, this basis for the rejection has been addressed. The amendment to the preamble of claim 26 does not change the steps called for in the claim. The Examiner has further requested clarification of whether step d) of claim 26 is a separate step or the identification step. In response, claim 26 has been amended at the end to add the phrase “thereby identifying said compound that is an allosteric modulator of an intermolecular interaction at said functionally critical site between said target protein and said modifier.” The addition of this phrase clarifies that step d) is a separate step. The amendments to claim 26 do not change the scope of the claim.

The amendments to claim 26 are believed to address the basis of the present rejections. Reconsideration of claim 26 and withdrawal of the rejections thereof under section 112, second paragraph is requested.

III. Request for Rejoinder of Claims 9-24. Subsisting claims 1, 6-8, 25, 26, and 28-31 have been examined and are believed to be in condition for allowance. Claims 9-24 have been withdrawn from consideration by the Examiner as being drawn to a non-elected subject matter. Claim 1 is a linking claim that links examined claims 6-8 and the withdrawn claims 9-24. In particular, claim 1 is a genus claim that links species claims 6-24. Withdrawn claims 9-24 depend from claim 1. Upon allowance of a linking claim, “the restriction between linked inventions must be withdrawn. Any claim(s) directed to the non-elected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and examined for patentability.” MPEP 809. In accordance with the rules of practice, upon allowance of claim 1, the Examiner is requested to rejoin and examiner withdrawn claims 9-24.

IV. Conclusion. This application is believed to be in condition for allowance, which is earnestly solicited. Should there be further issues that the Examiner believes can be addressed by an interview or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney.

Dated: August 10, 2007

Respectfully submitted,

By 
Mitchell Bernstein

Registration No.: 46,550
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant